

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion into Competition for
Local Exchange Service.

Rulemaking 95-04-043
(Filed April 26, 1995)

Order Instituting Investigation on the
Commission's Own Motion into Competition for
Local Exchange Service.

Investigation 95-04-044
(Filed April 26, 1995)
**(FCC Triennial Review
Nine-Month Phase)**

**ADMINISTRATIVE LAW JUDGE'S RULING
REGARDING ELIGIBILITY TO SEEK INTERVENOR COMPENSATION**

On October 24, 2003, the California Small Business Roundtable (CSBRT) and California Small Business Association (CSBA) filed a Notice of Intent (NOI) to seek intervenor compensation in this proceeding, and to request a preliminary ruling finding that they are eligible to seek such compensation.

CSBA is a non-profit organization dedicated to helping members improve their businesses, to inform members about government programs, and to advocate the views of small business before various legislative and administrative bodies. CSBRT/CSBA express an interest in this proceeding relating to issues surrounding the incumbent local exchange carrier's obligations to make available unbundled network elements, and the related effects on competitive choice for small business customers. CSBRT/CSBA present a preliminary estimate of \$62,750 for costs of intervenor participation.

Public Utilities Code Section 1804 provides that a NOI may include a showing that intervenor participation would pose a “significant financial hardship.” In the case of an organization, the “significant financial hardship” test is met when “the economic interest of the individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding.” (Section 1802(g).)

CSBRT/CSBA asserts that because the economic interests of any individual member of its organization are small when compared to the cost of effective participation, it is economically prohibitive for a small business owner to participate in the proceeding. CSBRT/CSBA was found to have met the significant financial hardship test in previous Commission proceedings (e.g., Application 99-12-012, Rulemaking 97-08-001 and Investigation 97-08-002).

No party has protested the NOI filed by CSBRT/CSBA.

In view of the information presented by CSBRT/CSBA, a preliminary ruling finding them eligible to seek intervenor compensation should be granted.

IT IS RULED that the California Small Business Roundtable and California Small Business Association are hereby found to have made a showing of financial hardship and are eligible to seek intervenor compensation in this proceeding.

Dated December 31, 2003, at San Francisco, California.

/s/ THOMAS R. PULSIFER

Thomas R. Pulsifer
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail and by e-mail this day served a true copy of the original attached Administrative Law Judge's Regarding Eligibility To Seek Intervenor Compensation on all parties of record in this proceeding or their attorneys of record.

Dated December 31, 2003, at San Francisco, California.

/s/ JANET V. ALVIAR

Janet V. Alviar

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TTY# 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.